

\_\_\_\_\_ **LOCAL HUMAN RIGHTS COMMITTEE**

**BYLAWS**

**Article I**

The name of this committee shall be \_\_\_\_\_ Local Human Rights Committee, hereafter referred to as the LHRC.

**Article II**

**The purpose and duties of the Local Human Rights Committee (LHRC) are:**

- A. To provide each individual receiving services ("individual") from participating affiliate providers the assurance that his/her rights, as defined in the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (the Regulations), will be protected.
- B. To permit affiliations of local providers in accordance with the recommendations from the Human Rights Advocate (12VAC35-115-250 D 2). State Human Rights Committee (SHRC) approval is required for the denial of an affiliation request. The LHRC may not limit the number of affiliates without SHRC approval.
- C. To receive complaints of alleged rights violations filed by or on behalf of individuals receiving services from affiliated providers and to conduct hearings, as necessary, according to the procedures specified in Part V of the Regulations (12VAC35-115-150 et seq.).
- D. To maintain the strict confidentiality of all individuals' personal health information that the LHRC is made aware of as it carries out its responsibilities as defined in Part IX of the Regulations (12VAC35-115-250 D) and these Bylaws.
- E. To review, upon request of the human rights advocate, individuals receiving services, the executive director of a provider, or upon its own initiative, any existing or proposed policies, procedures or practices which could jeopardize the rights of individuals, in accordance with section 12VAC35-115-250 D 5 of the Regulations. In conducting such review, the LHRC may consult with any human rights advocate, employee or the executive Director of a provider or any other person it deems appropriate and shall make appropriate written recommendations to the director of applicable affiliated provider(s) concerning these policies, procedures and practices. The LHRC shall inform the SHRC in writing of any reviews conducted under this section. While this notification is not required to be provided in advance of the review, the

purpose of this notification is for the SHRC to provide the LHRC with additional information, comment and guidance in conducting the review.

- F. To conduct investigations as requested by the State Human Rights Committee in accordance with section 12VAC35-115-250 D 4 of the Regulations.
- G. To receive, review, and make recommendations to the SHRC concerning applications for variance(s) to the regulations from affiliated providers in accordance with section 12VAC35-115-220(C) of the Regulations.
- H. To receive, review and comment on behavioral treatment plans involving the use of restraint or time out; and to receive, review and comment on seclusion, restraint or time out policies submitted by affiliated providers in accordance with section 12VAC35-115-250 D 7 of the Regulations
- I. To review individuals' consent and authorization objections, contested authorized representative appointments, and contested capacity evaluations at the request of an individual, his/her authorized representative, or anyone authorized by the consumer to act on his/her behalf, in accordance with section 12VAC35-115-200 of the Regulations.
- J. To review "Next Friend" Authorized Representative designations proposed by affiliate providers, in accordance with section 12VAC35-115-146 B of the Regulations.
- K. To conduct quarterly meetings or more frequently when necessary to adhere to timelines as specified in the Regulations.
- L. To require that members who have a financial, familial, or other conflict of interest in a given case recues themselves from any hearing or investigation related to such case.
- M. To develop and maintain Bylaws in accordance with section 12VAC35-115-250 D 8 of the Regulations.
- N. To identify the needs of its members for training to prepare them to fulfill their responsibilities.
- O. To carry out other duties as required by the Regulations.
- P. To enter into cooperative agreements with provider affiliates in order to further the shared goal of promoting the rights of individuals receiving services. The SHRC is responsible for developing the model cooperative agreement. SHRC approval is required for any modification of the cooperative agreement.

## **Article III – Membership**

### **Section 1**

LHRCs must consist of a minimum of five (5) members appointed by the SHRC. The \_\_\_\_\_ LHRC shall consist of \_\_\_\_\_ members appointed by the SHRC. As required by the Virginia Code 37.2-204, one-third of the LHRC members shall be individuals receiving services (referred to as “consumers” in the Regulations) or family members of consumers, with at least two consumers who are receiving, or who have within five (5) years of initial appointment received, mental health, developmental disability or substance abuse treatment services. In addition, at least one member shall be a health care provider.

The LHRC and its affiliated providers are responsible for recruiting potential members to the LHRC. Nominations shall be solicited and submitted to the LHRC for consideration and appointment by the SHRC to serve three (3) year terms. Membership should be broadly representative of professional and consumer interests that are served by the programs licensed by the Department of Behavioral Health and Developmental Services (DBHDS). No current employee or board member of DBHDS or a provider may serve as a member of the LHRC with which the DBHDS facility or provider is affiliated.

The LHRC shall notify the SHRC in the event that the LHRC has operated for six (6) months without a Virginia Code § 37.2-204 mandated member. In the event the LHRC has operated for 12 months without a Virginia Code mandated member, the SHRC will consider the LHRC for consolidation with another LHRC, in order to ensure the protection of the rights of individuals receiving services.

Members shall not serve more than two (2) consecutive three (3) year terms. Terms of members start July 1<sup>st</sup> and continue until June 30<sup>th</sup> three (3) years later. Initial appointments to the LHRC shall be staggered, with approximately one-thirds for a term of two years and the remainder for a term of one year. A member appointed to fill a vacancy may serve out that term and then be eligible for two additional consecutive terms.

### **Section 2**

All prospective members to fill LHRC vacancies will be appointed by the SHRC.

### **Section 3**

The following criteria and process for recommending the removal of a member from the LHRC will be followed:

- Members shall attend all regular and special meetings of the LHRC. A member who misses more than 33% of regularly scheduled meetings within a 12-month period may be subject to a recommendation for removal by a majority vote of the other LHRC members. On any motion to remove a member, that member shall not have a vote. Such recommendation shall then be forwarded to the SHRC for action.

- The LHRC may also recommend to the SHRC that a member be removed for violation of the LHRC bylaws, the Regulations, or state laws.

#### **Section 4**

Orientations of new members will be the joint responsibility of the LHRC and the DBHDS Office of Human Rights.

### **Article IV – Officers**

#### **Section 1**

The Officers shall be a Chairperson, a Vice-Chairperson, and a Committee Secretary.

#### **Section 2**

##### **Duties of Officers:**

The Chairperson shall:

1. Preside at and plan all meetings of the LHRC and conduct any hearings.
2. Develop subcommittees as determined to be needed to carry out the LHRC's objectives consistent with the regulations; appoint subcommittee members with approval of the LHRC members; and appoint a chairperson to supervise directly or indirectly work of each subcommittee. Subcommittees shall consist of at least two (2) LHRC members.
3. Inform the SHRC, the Human Rights Advocate, and, as applicable, provider liaisons of the activities of the LHRC.

The Vice-Chairperson shall assume the duties of the Chairperson if that office becomes vacant during its one (1) year term and shall also perform the duties of the Chairperson in his/her temporary absence or disability.

The Committee Secretary shall:

1. Ensure that notices of LHRC meetings are posted within required timelines.
2. Review draft and final minutes of LHRC meetings and ensure that minutes are posted within required timelines.
3. Coordinate the LHRC support functions designated to provider affiliate(s) by the LHRC, including meeting space, clerical support and equipment. Ensure that the provider affiliate designated to be the custodian of meeting minutes and all other records of the LHRC is maintaining records appropriately.

### **Section 3**

#### **Election of Officers:**

Officers are members of the LHRC. The LHRC shall elect officers annually from the committee at the last meeting of each fiscal year. Election shall be by simple majority of the members. Newly elected officers shall take office July 1<sup>st</sup> of each year.

## **Article V – Meetings**

### **Section 1**

The LHRC shall hold at least \_\_\_ regular meetings per year. The LHRC shall establish and publicly post an annual calendar of meetings. The Chairperson may call special meetings, as needed.

### **Section 2**

All meetings shall be open to the public except as provided in the Regulations and applicable sections of the Virginia Freedom of Information Act. Any protected health information, employment records or other confidential documents disseminated at meetings shall be accorded all confidentiality and privacy protections required by Virginia and Federal laws. The LHRC may convene closed meetings in accordance with the provisions of section 2.2-3711 of the Virginia Freedom of Information Act.

### **Section 3**

An agenda of business to be conducted will be posted in advance of the LHRC meeting.

Minutes of all open meetings shall include the following information:

- Date, time and location of the meetings
- LHRC members present
- LHRC members absent
- A summary of the discussion on matters proposed, deliberated or decided
- A record of any votes taken

No confidential information shall be included in the minutes, and all steps should be taken to maintain individuals' privacy.

## **Article VI – Amendments**

Any proposed amendments to these bylaws shall be presented in writing to the entire LHRC at least two (2) weeks prior to the meeting at which time it is to be voted upon. A simple majority of the membership is needed for ratification of any proposed amendments. Amendments shall be official when approved by the SHRC.

## **Article VII – Quorum**

A quorum will consist of a simple majority of actually appointed members of the LHRC. At no time, however, shall a quorum be less than three members, regardless of the number of members on the committee. An affirmative vote of a simple majority of the LHRC membership shall be required in order to take any action or render a decision on any complaint.

The LHRC may delegate summary decision-making authority to a subcommittee when expedited decisions are required before the next scheduled LHRC meeting to avoid seriously compromising an individual's quality of care, habilitation, or quality of life. The decision of the subcommittee shall be reviewed by the full LHRC at its next meeting.

## **Article VIII – Organizational Structure**

### **Section 1**

Parliamentary procedure shall be generally in accordance with "Robert's Rules of Order."

### **Section 2**

Relationship of the LHRC to affiliated providers:

1. The LHRC shall function independently of all affiliated providers.
2. The LHRC shall operate in a consultative and supportive manner with affiliated providers.
3. The line of communication between the LHRC and affiliated providers shall be directly between the Chairperson of the LHRC or his/her designee and the Director of the affiliated provider or the provider liaison.
4. The LHRC shall notify affiliated providers in writing and in accordance with the Regulations of any LHRC activities, recommendations, and decisions on complaints and appeals that pertain to the provider.

### **Section 3**

The Human Rights Advocate is responsible for providing orientation, training and technical assistance to the LHRC.

#### Section 4

Complaints and appeals will be handled in accordance with the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Part V, 12 VAC 35-115-150 et seq.

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LHRC Chairperson

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Date